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August 20, 2013

**VIA ELECTRONIC COURT FILING  
AND ELECTRONIC MAIL**

The Honorable Edward R. Korman  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: *Tummino, et al. v. Hamburg, et al.*  
Case No. 12-CV-763 (ERK/VVP)**

Dear Judge Korman:

On July 30, 2013, the U.S. Court of Appeals for the Second Circuit ("Second Circuit") So Ordered and issued the mandate for the Stipulation of the parties concerning the appeal filed by the Defendants in above-referenced matter. The Stipulation provided that Defendants voluntarily dismissed, with prejudice, the appeal of this Court's April 5, 2013, Memorandum and Order and Final Judgment and that Plaintiffs would seek fees and costs, including related to the appeal, from the United States District Court for the Eastern District of New York fees to the extent available under the Equal Access to Justice Act, 28 U.S.C. § 2412, or under any other appropriate statute or authority. *See* Ex. 1. The stipulation also provided that Defendants may oppose any such petition.

Accordingly, after having conferred with Defendants' counsel, Plaintiffs submit the following proposed briefing schedule on our pending Motion for Attorneys' Fees and Costs (ECF No. 97) for the Court's review. The parties propose the following briefing deadlines which will provide time for discussion among the parties to try to resolve the matter of attorneys' fees and costs without the need for judicial involvement:

October 4, 2013	Plaintiffs' Memorandum and Exhibits in Support of Motion
November 4, 2013	Defendants' Memorandum and Exhibits in Opposition

November 26, 2013

Plaintiffs' Reply in Support of Motion

Thank you for Your Honor's attention concerning this matter.

Respectfully submitted,

By: /s/ Andrea Costello  
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